

REMARKS

The Applicant has carefully reviewed the Office Action mailed July 6, 2007 (hereinafter “the Office Action”) and offers the following remarks to accompany the above amendments.

Initially, the Applicant wishes to thank Examiner Pham for taking the time to speak with the Applicant’s representative, Tony Josephson, on September 25, 2007. During the Telephonic Examiner Interview, the rejection of claims 8 and 18 under 35 U.S.C. § 112, second paragraph, was discussed. Importantly, Examiner Pham indicated that she was withdrawing this rejection. No agreement regarding the allowability of the pending claims was reached.

Moreover, the Applicant wishes to thank the Examiner for indicating that claims 4, 14, 24, and 33 would be allowable if rewritten in independent form and that claims 8 and 18 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. As will be detailed below, claims 1, 11, 21, and 30, the base claims from which claims 4, 8, 14, 18, 24, and 33 ultimately depend, are patentable over the cited references. Therefore, the Applicant will refrain from amending claims 4, 8, 14, 18, 24, and 33 at this time. Nevertheless, the Applicant reserves the right to rewrite claims 4, 8, 14, 18, 24, and 33 at a later time.

Claims 2, 5, 11, 12, 15-18, 22, 25, 30, 31, and 34-36 were objected to for the reasons mentioned in the Office Action. The Applicant has amended these claims as kindly suggested by the Examiner. Therefore, the Applicant requests that the objection be withdrawn.

Claims 8 and 18 were rejected under 35 U.S.C. § 112, second paragraph, for lacking antecedent basis. As noted above, Examiner Pham has kindly withdrawn this rejection.

Claims 1, 5, 9-11, 15, 19-21, 25, 28-30, 34, 37, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent U.S. Patent No. 7,072,657 B2 to *Watanabe et al.* (hereinafter “*Watanabe*”) in view of U. S. Patent Application Publication No. 2002/0087724 A1 to *Datta et al.* (hereinafter “*Datta*”). The Applicant respectfully traverses the rejection.

Prior to addressing the rejection, the Applicant provides a brief summary of the present invention. The present invention provides a terminal with the capability of establishing multiple communication sessions with a public network proxy through different access networks. The terminal can actively communicate with the public network proxy to control which of the multiple communication paths are active, as well as control the transition from actively using one communication path to using another. Thus, according to the present invention, the terminal establishes multiple communication sessions and the terminal may switch between

communication sessions. In one embodiment, the communication sessions are reserved tunneling sessions, and the terminal cooperates with the public network proxy to effectively control how many tunneling sessions are established, how many tunneling sessions are active at any given time, and the transition from one tunneling session to another for active communications. The Applicant submits that none of the cited references, either alone or in combination, disclose or suggest a terminal which establishes multiple communication sessions with a public network proxy through different access networks such that the terminal can control which of the communication sessions are currently active.

According to Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” The Applicant submits that neither *Watanabe* nor *Datta*, either alone or in combination, discloses or suggests all the features recited in claims 1, 9-11, 19-21, 28-30, 37, and 38. More specifically, claim 1 recites a method comprising, among other features, “establishing a plurality of communication sessions via a plurality of access networks with the network proxy.” Claim 11 includes similar features. The Applicant submits that neither *Watanabe* nor *Datta*, either alone or in combination, discloses or suggests establishing a plurality of communication sessions via a plurality of access networks and a network proxy.

In maintaining the rejection, the Patent Office asserts that *Watanabe* discloses this feature in Figure 5.¹ The Applicant respectfully disagrees. At most, *Watanabe* discloses that a terminal moves among different networks 502, 510, and 516 having gateways 504, 512, and 518, respectively, and establishes a new Virtual Private Network (VPN) when the terminal moves between the different networks.² In particular, *Watanabe* discloses that when the terminal 310 moves into a different network, such as when the terminal 310 moves from the network 502 to the network 510, a “VPN 514 is only re-established between the target access network 510 via gateway 512 and the H.O.DiC 400.”³ Thus, according to *Watanabe*, only one communication session is established between the terminal 310 and the H.O.DiC 400 at a particular time. In contrast, claims 1 and 11 of the present application recite that a plurality of communication sessions are established instead of just a single communication session. In a similar manner, *Datta* does not disclose this feature. Accordingly, claims 1 and 11 are patentable over the cited

¹ See Office Action, page 4.

² See *Watanabe*, col. 6, ll. 27-44.

³ See *Watanabe* at col. 6, ll. 39-40.

references and the Applicant requests that the rejection be withdrawn. Similarly, claims 5, 9, 10, 15, 19, and 20, which ultimately depend from claim 1 or 11, are patentable for at least the same reasons along with the novel features recited therein.

Claim 21 recites a method for facilitating packet communications between a terminal and a communication device comprising, among other features, “establishing a plurality of communication sessions via a plurality of access networks with the terminal.” Claim 30 includes similar features. As detailed above, none of the references, either alone or in combination, disclose or suggest establishing a plurality of communication sessions via a plurality of access networks with a single terminal. Therefore, claims 21 and 30 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. Likewise, claims 25, 28, 29, 34, 37, and 38, which ultimately depend from claim 21 or 30, are patentable for at least the same reasons along with the novel features recited therein.

Claims 2, 3, 6, 7, 12, 13, 16, 17, 19, 22, 23, 26, 27, 31, 32, 35, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Watanabe* in view of *Datta* and further in view of U.S. Patent No. 7,072,323 B2 to *Roberts et al.* (hereinafter “*Roberts*”). The Applicant respectfully traverses the rejection. As detailed above, claims 1, 11, 21, and 30, the base claims from which claims 2, 3, 6, 7, 12, 13, 16, 17, 19, 22, 23, 26, 27, 31, 32, 35, and 36 ultimately depend, are patentable over *Watanabe* and *Datta*. In addition, *Roberts* does not overcome the previously noted deficiencies of both *Watanabe* and *Datta*. Accordingly, claims 2, 3, 6, 7, 12, 13, 16, 17, 19, 22, 23, 26, 27, 31, 32, 35, and 36 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Anthony J. Josephson
Registration No. 45,742
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

Date: October 4, 2007
Attorney Docket: 7000-263